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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,635

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Myoung-soon Choi

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

RUIZ, ANGELICA

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,635	<b>Applicant(s)</b> CHOI ET AL.	
	<b>Examiner</b> ANGELICA RUIZ	<b>Art Unit</b> 2158	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-20 are pending.

#### ***Specification***

2. In view of the amendments of the Specification, the Examiner withdraws the pending objections to the specification and Abstract.

#### ***Response to Arguments***

3. Applicant's arguments, see Remarks, filed February 28, 2008, with respect to Claim rejections by 35 USC 103 have been fully considered and are persuasive. The Non-Final rejection of 11/28/2007 has been withdrawn.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-20 recite a "method" which is not tied to another statutory class (such as a particular apparatus) or transform underlying subject matter (such as an article or materials) to a different state or thing. For the reason above, claims 11-20 are believed to be non-statutory subject matter. Appropriate correction is required.

Guidelines when evaluating whether a claimed invention falls within a statutory category of invention. (See MPEP 5 2106.1V.B: Determine Whether the Claimed

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Invention Falls Within An Enumerated Statutory Category.). The latter three categories define "things" or "products," while a "process" consists of a series of steps or acts to be performed. For purposes of USC 101, a "process" has been given a specialized, limited meaning by the courts. Based on Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions (*In re Bilski*), the Office's guidance to examiners is that a USC 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under USC 101 and should be rejected as being directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennon (US 2002/0152267 A1).

**A per Claim 1**, Lennon discloses:

**- A device for managing multimedia content in a portable digital apparatus, comprising:** (Abstract) and (Par [0246]-[0247], includes the "hand portable electronic devices") and (Fig. 12).

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**- an input unit for receiving index information from a user so that the multimedia content are classified; and** (Par [0059]), including the “user input”

**- a control unit which produces index information for the multimedia content having the indexes configured according to the received index configuration;**

**and.** (Par [0184], “...constructed by the user providing a text query in a search entry box 410 and selecting a simple search function 412. The user is also able to construct an advanced structured query using a list of the available index descriptors...”)

**- a storing unit for storing a plurality of multimedia content with index information.**

(Par [0058, having a “memory unit” being the “storing unit” as claimed.

**As per Claim 2**, the rejection of Claim 1 is incorporated and further Lennon discloses:

**- further comprising an output unit which provides a graphical user interlace (GUI) screen for showing the multimedia content**

(Par [0058], “The computer module 901 typically includes at least one processor unit 905, a memory unit 906, for example formed from semiconductor random access memory (RAM) and read only memory (ROM), input/output (I/O) interfaces including a audio-visual interface 907...”)

and (Par [0265] The user interface described above with reference to FIG. 4 is, like most graphical user interfaces (GUI's)...”) and (Par [0256]).

**As per Claim 3**, the rejection of Claim 1 is incorporated and further Lennon discloses:

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**- wherein the input unit comprises at least one of a physical button, and a user menu using a graphical user interface (GUI) screen.**

(Par [0247], "... 1414 associated with the car equipment 1412, and through depression of a transmit button 1408, the telephone 1404 transmits the metadata associated with the session to the car equipment 1412.") and (Par [0267]), in the mentioned example the device included is a "telephone" which is well known at the time of the invention the mentioned devices encompass "physical button" as claimed.

**As per Claim 4**, the rejection of Claim 1 is incorporated and further Lennon discloses:

**- wherein the control unit is configured to group predetermined multimedia content into a single multimedia group, for the multimedia content with the configured indexes.**

(Par [0150], "The schema document also contains declarations for the following TOC descriptors Category, SubCategory, Class and Image. Each of these descriptors is defined to contain the attribute group...") and (Fig. 7).

**As per Claim 5**, the rejection of Claim 4 is incorporated and further Lennon does not disclose:

**- wherein the control unit is configured to manage the multimedia content under different folders**

(Par [0292], "The arrangements of FIG. 18A to 18D provide ways of automatically showing information about items and collections of items (in this case links to metadata)

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when the collection is opened for viewing. Unlike prior art arrangements, the information is displayed...) and (Par [0298]), shows that "the collection item" being the "folder" as claimed.

**As per Claim 6**, the rejection of Claim 4 is incorporated and further Lennon discloses:

***- wherein the control unit is configured to create tag information for the multimedia content with the configured indexes.***

(Par [0074], "...that descriptors are represented with the element (tag) name being the descriptor name and the content of the element being descriptor value."), the "descriptors" being the "tag" as claimed. And (Par [0079]).

**As per Claim 7**, the rejection of Claim 4 is incorporated and further Lennon discloses:

***- wherein the control unit is configured to create metadata files for the grouped multimedia content for the multimedia content with the configured indexes.***

(Abstract, "system is described in which a media browser (101), operating as a software application on a user terminal or preferably a server for a number of users, provides a user with a single user interface that facilitates browsing and searching different metadata collections over the Internet...") and (Par [0083]), shows the creating "metadata"

**As per Claim 8**, the rejection of Claim 7 is incorporated and further Lennon discloses:

***- wherein the metadata file comprises at least an index name for a group, and a start or end number of multimedia content contained in the group, wherein the multimedia belongs to the group.***

(Par [0078]), including the "Example A" that shows the "attributeGroup name" being the "name for a group" as claimed. And (Fig. 7) shows a start and end for the "multimedia content in the group".

**As per Claim 9**, the rejection of Claim 8 is incorporated and further Lennon discloses:

***- wherein the metadata file is provided in extensible markup language (XML) format.***

(Par [0071], "The preferred arrangement assumes that all descriptions of multimedia items conform to a schema, and that schemas are expressed or represented using the W3C schema language, XML Schema. Individual descriptions are represented using XML document instances. XML Schemas are also represented as XML documents. Therefore descriptions (eg. of multimedia items) can be stored along with their respective schemas in XML repositories or object stores. Alternatively, the descriptions can be stored in a database and effectively translated into XML documents when required.")

**As per Claim 10**, the rejection of Claim 4 is incorporated and further Lennon discloses:



**- wherein the control unit is configured to represent the multimedia content under folders, based on the index information, or to represent only multimedia content with the configured tag information.**

(Par [0038], "FIG. 7 depicts a structured image metadata database") shows the "Tag information" as claimed. And (Par [0107]).

8. **As per Claims 11-12 and 14- 20**, being the method claims corresponding to the device claims 1-2 and 4-10 respectively and rejected under the same reason set forth in connection of the rejections of Claims 1-2 and 4-10 and further Lennon discloses: (Title, "Method for facilitating access to multimedia content".

As per Claim 13, the rejection of Claim 11 is incorporated and further Lennon discloses:

**- wherein the selecting multimedia content comprises at least one of input from a user, and change of date.**

(Par [0059]), includes the "user input" as claimed. And (Par [0074]), shows the descriptor value being the "date".

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELICA RUIZ whose telephone number is (571)270-3158. The examiner can normally be reached on 8:00 a.m. to 4:30 p.m., ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angelica Ruiz/  
Examiner  
Art Unit 2158

/Mohammad Ali/  
Supervisory Patent Examiner, Art Unit 2158